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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoichiro Sako

3841

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7590

08/04/2006

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EXAMINER

ALLEN, WILLIAM J

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/009,331	Applicant(s) SAKO ET AL.	
	Examiner William J. Allen	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-17 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-17, and 48-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 8-14 and 18-47 are cancelled per applicant's amendment filed 7/10/2006.

Claims 1-7, 15-17, and 48-49 are pending and rejected as set forth below.

Response to Arguments

Applicant's arguments filed 7/10/2006 have been fully considered but they are not persuasive.

On page 8 Applicant contests that Kenney is not concerned with a 'broadcast program' and merely deals with simulation of movement; however, the Examiner notes that Kenney does relate to a 'broadcast program'. Webster's II New Riverside dictionary defines a broadcast or broadcasting as 'to transmit by television or radio, to make known widely'. Kenney expressly teaches transmission of electronic images to a user via computer monitor or television (see at least: col. 4 line 65-col. 5 line 26, col. 5 line 57-col. 6 line 3). The store images are commodities, which have associated information, appearing in the program and are transmitted synchronously as a user moves throughout the virtual store (see at least: abstract, Fig. 4-7). The transmission, and thereby 'broadcast', of the electronic store images (i.e. program) either as a whole or incrementally/streaming constitutes a broadcasted program.

Additionally, on page 9 of Applicant's remarks, Applicant contests that Kenney is not concerned with storing information about a selected commodity so that the stored information is subsequently accessible. The Examiner notes that Kenney does indeed

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teach this aspect, and cites col. 4 lines 4-28, col. 10 line 53 to col. 11 line 4, and Fig. 5-9. Kenney allows users to prepare lists as well as maintain prior purchase history, thereby storing information that is subsequently accessible about the selected item.

In regards to claims 2-7, 15-17, and 48-49, Applicant has relied on the remarks concerning claim 1. Thereby, these arguments are considered but found not persuasive for at least the reasons above in regards to claim 1.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1- 3, 5-7, 15 - 17 and 48 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6,381,583 B1) in view of Kurokawa (US 5,929,930).**

Regarding claim 1, Kenney teaches an information service method, comprising steps of:

receiving broadcast program data and information associated with a plurality of consumer commodities that appears in a broadcast program formed of the broadcast program data;

reproducing the broadcast program from the received the program data;
displaying the reproduced broadcast program data on a displaying;

selecting one of the plurality of consumer commodities while that commodity appears in the displayed broadcast program;

and extracting the information associated with the selected one of the plurality of consumer commodities from the information associated with the plurality of consumer commodities

storing information about the selected one of the plurality of consumer commodities while the reproduced broadcast program is being displayed so the stored information about the selected one of the plurality of consumer is accessible after the reproduced broadcast program is displayed (see at least: Abstract, Col 4 line 65-Col 5 line 26, Col 5 line 57-Col 6 line 3, Col 4 lines 4-28, Col 10 line 53-Col. 11 line 4, Col 2 lines 40 – 65, Col 10 lines 29 – 36 and 53 – 61 and Figures 4-9).

While Kenney discloses overlaying functions, which occur simultaneously and depicting a smaller associated screen, the reference does not specifically disclose and teach a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section.

In the same area of superimposing a child screen on a display of program data, Kurokawa teaches a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section (see at least Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Kenney with the method of Kurokawa to have enabled a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section. Kenney discloses an information service method, comprising steps of: synchronously transmitting program data and information associated with at least a program of the program data; receiving the program data and

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the associated information; reproducing the received program data and displaying the reproduced program data on a displaying device; and extracting information associated with a portion desired and selected by a viewer from the program data and the associated and selected by a viewer from the program data displayed on the displaying device from the information associated with the program (see at least Abstract, Col 2, lines 40 – 65, Col 10, lines 29 – 36 and 53 – 61 and Figures 4 and 9). In turn, Kurokawa, in the same area of displaying information discloses a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section (see at least Abstract). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Kenney with a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section. In this manner, the user will include the ability to use an overlay function such as child window for selecting and storing the selection of the commodity.

Regarding claim 2, Kenney teaches an information service method, wherein the method is a method for buying the selected one of the plurality of consumer commodity (See at least Abstract, Figure 9).

Regarding claim 3, Kurokawa teaches an information service method, wherein the display of the image representing the selected one of the plurality of consumer commodity is displayed on a child screen of the displaying portion (Abstract).

Regarding claim 5, Kenney teaches an information service method as wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity (see at least Abstract, Figures 4- 9).

Regarding claim 6, Kenney teaches an information service method, wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought (see at least Figure 3).

Regarding claim 7, Kenney teaches a information service method wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network (see at least Abstract).

Regarding claim 15, Kenney teaches wherein the broadcast program data and the information associated with the plurality of consumer commodities are received through a bi-directional communication network (see at least Abstract, Figure 1, 10A-10B).

Regarding claim 16, Kenney teaches an information service method, wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data (see at least Col 5, lines 62 - 63).

Regarding claim 17, Kenney teaches an information service method, wherein the transmission of information associated with the selected consumer commodity-is transmitted so that the information is synchronized with a picture of the program data (see at least Figures 4-9).

Regarding Claim 48, Kenney teaches an information service method, wherein the stored information about the selected one of the plurality of consumer commodities to an external apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus (see at least Abstract, Col. 4 lines 4-28, Col 10 line 53 to Col 11 line 4, Figures 4-9; Note replenishment items).

Regarding claim 49, Kenney teaches an information service method, referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities (see at least Abstract, Col. 4 lines 4-28, Col 10 line 53 to Col 11 line 4, Figures 4-9; Note replenishment items).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney in view of Kurokawa, as applied to claim 1, and in further view of Gaughn et al. (US 6,097,383, herein referred to as Gaughn)

Regarding claim 4, Kenney in view of Kurokawa teach all of the above as noted and further teach broadcasting a program to a display such as a television as well as a method for simultaneously displaying at least a portion of the information on a child screen superimposed on the reproduced broadcast program (see at least Kenney, Abstract Col. 4 line 65-Col. 5 line 26; Kurokawa, Abstract). Kenney in view of Kurokawa, however, does not expressly teach wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen.

Gaughn teaches wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen (see at least Abstract, Col 1 line 55-Col 2 line 34, Col 11 lines 4-23).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kenney in view of Kurokawa to have included wherein the display of the image representing the selected one of the plurality of consumer

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commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen as taught by Gaughn in order to provide a convenient way to swap between PIP screens on a web TV thus providing a distinct advantage over other web televisions (see at least Col 11 lines 4-23).

4. Claims 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney in view of Kurokawa, as applied to claim 1, and in further view of Sitnik (US 6,160,570).

Regarding claims 50 and 51, Kenney in view of Kurokawa teach all of the above as noted and further teach broadcasting a program to a display such as a television as well as a method for simultaneously displaying at least a portion of the information on a child screen superimposed on the reproduced broadcast program (see at least Kenney, Abstract Col. 4 line 65-Col. 5 line 26; Kurokawa, Abstract). Kenney in view of Kurokawa, however, does not expressly teach wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie and wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program.

Sitnik teaches wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie and wherein a given portion of the

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information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program (see at least Abstract, Col 4 lines 17-34, Col 9 lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kenney in view of Kurokawa to have included wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie and wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program as taught by Sitnik in order to synchronize product placement and television commercials, thereby providing for more effective advertising (see at least Sitnik, Col 9 lines 44-57).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

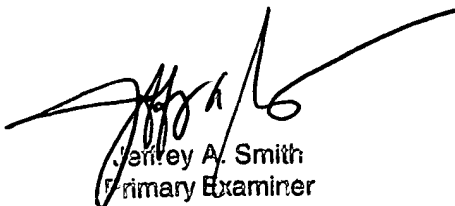
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
July 26, 2006



Jeffrey A. Smith
Primary Examiner